

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: ELIZABETH CAYMARES Debtor	:	CHAPTER 13
	:	
	:	
JACK N. ZAHAROPOULOS	:	
STANDING CHAPTER 13 TRUSTEE	:	
Movant	:	
	:	
vs.	:	
	:	
ELIZABETH CAYMARES	:	
Respondent	:	CASE NO. 5-23-bk-02305

TRUSTEE'S AMENDED OBJECTION TO SECOND
AMENDED CHAPTER 13 PLAN

AND NOW, this 2nd day of April, 2024, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor's plan for the following reason(s):

1. Debtor's plan violates 11 U.S.C. § 1325(a)(4) in that the value of property to be distributed under the plan on account of each allowed unsecured claim is less than the amount that would be paid on such claim if the estate were liquidated under Chapter 7. More specifically, the debtor has excess non-exempt equity in the following:

- a. Business assets
- b. Trustee requests documentation of the transaction that resulted in the lawsuit by Tellus Equipment Solutions listed in Part 4 of the Statement of Financial Affairs.

2. Schedule B lacks description regarding debtor's interest in Konstruction Built, LLC.

Further, Schedule B is incomplete in that debtor failed to list her ownership of a 2023 Travel Trailer purchased from RV World, LLC, d/b/a Camping World on or about December 21, 2022.

Further, Schedule F is incomplete in that debtor failed to list Caterpillar Financial Services Corporation as a creditor.

The Statement of Financial Affairs is incomplete.

More specifically, in Part 1, debtor responded “no” to the question: During the last 3 years, have you lived anywhere other than where you live now? To the contrary, the record shows that debtor used the following addresses: 1090 SE 9th Ct., Hialeah, FL 33010; 181 Bourland Road, Smithville, TX 78957-2151, and 311 Huck Finn Trail, Dripping Springs, TX 78620.

Further, considering the Proof of Claim filed by the Internal Revenue Service that shows tax due for the tax period ending December 31, 2021, Trustee believes and therefore avers that debtor failed to disclose her income for 2021 in Part 2 of the Statement of Financial Affairs.

Additionally, in Part 11 of the Statement of Financial Affairs, debtor checked the box indicating that, within 4 years before she filed for bankruptcy, she did not own a business or have any connections to any business of the kind enumerated therein. To the contrary, Trustee believes and therefore avers that she has a business connection with Konstruktion Built, LLC. On the Installment Sale Contract between Holt Texas, LTD and Konstruktion Built LLC, debtor is listed as a Member and she personally guaranteed the loan. See, Claim #7, Exhibit B.

3. The Trustee avers that debtor’s plan is not feasible based upon the following:

- a. The debtor is unable to make payments under the plan, contrary to § 1325(a)(6). (The debtor has no income.)

4. Trustee avers that debtor’s plan cannot be administered due to the lack of the following:

- a. The debtor has not provided to the Trustee copies of 2021 Federal Income Tax returns as required by § 521(e)(2)(A).

WHEREFORE, Trustee alleges and avers that debtor’s plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of debtor(s) plan.
- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

Jack N. Zaharopoulos
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
(717) 566-6097

BY: /s/Agatha R. McHale
Attorney for Trustee

CERTIFICATE OF SERVICE

AND NOW, this 2nd day of April, 2024, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Hummelstown, Pennsylvania, postage prepaid, first class mail, addressed to the following:

Michael Cibik, Esquire
1500 Walnut Street, Suite 900
Philadelphia, PA 19102

/s/Deborah A. DePalma
Office of Jack N. Zaharopoulos
Standing Chapter 13 Trustee